

# Order

Michigan Supreme Court  
Lansing, Michigan

May 17, 2006

Clifford W. Taylor,  
Chief Justice

129178

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

BLYTHE SNEIDERAITIS and  
CHRISTOPHER SNEIDERAITIS,  
Plaintiffs/Counter-Defendants/  
Appellees,

v

SC: 129178  
COA: 252059  
Oakland CC: 2003-047947-CK

RONALD BURROWS and JOSEPH  
KOZIARA,  
Defendants/Counter-Plaintiffs/  
Appellants.

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On order of the Court, the application for leave to appeal the May 12, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgments of the Court of Appeals and the Oakland Circuit Court and REMAND this case to the Oakland Circuit Court for further proceedings. Defendants claim that plaintiffs purchased the property at a foreclosure sale after fraudulently misrepresenting to defendants that if defendants removed the property from the market, plaintiff would act as defendants' attorney in dealing with the mortgage company and would purchase the property before foreclosure. Summary disposition was improper because genuine issues of material fact exist on defendants' claim that plaintiffs secured title to the property by means of fraudulent misrepresentations. *McKie v Oakland Mortgage Co*, 277 Mich 292, 294-295 (1936); *Gates v Sutherland*, 76 Mich 231, 233 (1889); and *Cleland v Taylor*, 3 Mich 201 (1854).

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 17, 2006

*Corbin R. Davis*

Clerk